

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

---

COLIN GODMINTZ

Plaintiff,

Case No.: 4:21-cv-00514

vs.

MONTEREY FINANCIAL SERVICES

Defendant.

---

**DEFENDANT MONTEREY FINANCIAL SERVICES' NOTICE OF REMOVAL**

Defendant Monterey Financial Services<sup>1</sup> ("MFS"), by filing this Notice of Removal and related papers, hereby removes the above-entitled action from the Justice of the Peace, Precinct 1, Place 2, Fort Bend County, Texas, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

In support of the Notice of Removal MFS asserts the following:

1. On or about February 10, 2021, MFS was served with a Complaint related to an action filed in the Justice of the Peace, Precinct 1, Place 2, Fort Bend County, Texas (Case No.: 21-JSC12-00590).
2. The above-referenced Complaint was filed with the Court of Justice of the Peace, Precinct 1, Place 2, Fort Bend County, Texas on January 15, 2021.
3. Plaintiff contends he is a resident of the State of Texas.
4. MFS is a California limited liability company with a principal place of business in the State of California.

---

<sup>1</sup> Monterey Financial Services is not a legal entity. However, it is believed that Plaintiff intended to name Monterey Financial Services, LLC when he commenced this lawsuit.

5. MFS desires to exercise its right to remove the state court action under 28 U.S.C. § 1441(a), which provides in pertinent part:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

6. Plaintiff's Complaint alleges that MFS violated, *inter alia*, the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*

7. Given the allegations in the Complaint that MFS violated the FDCPA, this Court, pursuant to 28 U.S.C. § 1331, has subject matter jurisdiction over the allegations in the Complaint.

8. Thus, the state court action may be removed to this Court by MFS in accordance with the provisions of 28 U.S.C. § 1441(a) because this is a civil action pending within the jurisdiction of the United States District Court for the Southern District of Texas, and because the allegations made by the Plaintiff allege violations of the FDCPA.

9. Notice of removal is being filing within 30 days after service of the Complaint upon MFS and is thus timely as set forth in 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. § 1441(a), venue is proper because Fort Bend County lies within the Southern District of Texas.

11. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint served on MFS is attached as **Exhibit A**. As the Plaintiff filed his Complaint in small claims court, there is no docket sheet.

12. A Civil Cover Sheet is attached hereto as **Exhibit B**.

13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is contemporaneously being filed with Justice of the Peace, Precinct 1, Place 2, Fort Bend County,

Texas and served on Plaintiff. By serving a copy of this Notice of Removal on Plaintiff, MFS is giving Plaintiff proper notice of this removal.

14. MFS reserves the right to amend or supplement this Notice of Removal and further reserves the right to raise all defenses and objections.

DATED: February 16, 2021

**LIPPES MATHIAS WEXLER FRIEDMAN LLP**

s/ Brendan H. Little  
Brendan H. Little, Esq.  
Attorneys for Defendant  
50 Fountain Plaza, Suite 1700  
Buffalo, NY 14202  
P: 716-853-5100  
F: 716-853-5199  
E: [blittle@lippes.com](mailto:blittle@lippes.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 16, 2021, I electronically filed the foregoing Notice of Removal and accompanying documents with the Clerk of the Court via the CM/ECF system, which will provide service to counsel for all parties. In addition, the Notice of Removal and accompanying documents were sent to Plaintiff's counsel via regular United States Mail at the following address:

Adam Watkins  
22155 Wildwood Park Rd. #1121  
Richmond Texas 77469

s/ Brendan H. Little  
Brendan H. Little, Esq.